have not been released not because they belong to the Communist Party but because each case is being decided on its own merits.

" Hunger-strikes for the purpose of getting released is certainly not a matter which should be encouraged by hon. Members and by this House and I wish the hon. Member had not come forward before this House with this adjournment motion which is almost encouraging hunger-strikes."

MR. SPEAKER :—" The prisoners have a remedy in a Court of Law. The subject-matter of the motion is not a fit subject for discussion under 'Adjournment Motions'. I, therefore, rule the motion out of order."

### IV.—ANNOUNCEMENT BY THE HON. SPEAKER *RE* MESSAGE FROM THE GOVERNOR.

MR. SPEAKER :—" I have to announce to the House that I have received the following message, dated 28th July 1954, from the Governor of Madras :—

**'In pursuance of Article 207, clause (1) read with Article 199, clause (1) sub-clause (*a*) of the Constitution of India, I, Sri Prakasa, Governor of Madras, hereby give my recommendation for the introduction in the Madras Legislative Assembly of the Madras Plantation Agricultural Income-tax Bill, 1954.'**

### V.—ELECTION OF A MEMBER TO THE STATE LIBRARY COMMITTEE.

THE HON. SRI C. SUBRAMANIAM :—" Mr. Speaker, Sir, I beg to move—

'*That in pursuance of rule* 2 (1) (v) *of the Madras Public Libraries Rules*, 1950, *this Assembly do proceed on a date to be fixed by the Hon. the Speaker to elect one person to the State Library Committee constituted under section* 3 *of the Madras Public Libraries Act*, 1948 (*Madras Act XXIV of* 1948).' "

MR. SPEAKER :—" Motion moved—

'That in pursuance of rule 2 (1) (v) of the Madras Public Libraries Rules, 1950, this Assembly do proceed on a date to be fixed by the Hon. the Speaker to elect one person to the State Library Committee constituted under section 3 of the Madras Public Libraries Act, 1948 (Madras Act XXIV of 1948).' "

The motion was put and carried.

12-10 p.m. MR. SPEAKER :—" With reference to the motion of the Minister for Finance and Education, regarding the election of one Member of this Assembly to the State Library Committee, I fix 3 p.m. on the 11th August 1954, as the time within which nomination papers of candidates for election to the State Library Committee should reach the Secretary. Nomination forms can be had on application to the Secretary.

6th August 1954] [Mr. Speaker]

" If the number of candidates nominated exceeds the number of seats to be filled, namely, one, a poll will be taken on a date to be announced in due course. The election will be by the ordinary method and not according to the principle of proportional representation by means of the single transferable vote."

## VI.—GOVERNMENT BILL.

### THE MADRAS HINDU RELIGIOUS AND CHARITABLE ENDOWMENTS (AMENDMENT) BILL, 1954 (L.A. BILL NO. 27 OF 1954).

THE HON. SRI B. PARAMESWARAN :—" Mr. Speaker Sir, I beg leave to present the report [a] of the Joint Select Committee appointed by the Legislature to consider the Madras Hindu Religious and Charitable Endowments (Amendment) Bill, 1954, and move—

' *That the Bill as amended by the Joint Select Committee, be taken into consideration.*'

" The Joint Select Committee was appointed by the two resolutions of this House, dated 18th May 1954, and 19th May 1954, and by a resolution of the Legislative Council, dated 18th May 1954. The Committee held two sittings, the first on 2nd July 1954 and the second and the final sitting on 3rd July 1954.

" I need not go into the previous history of this legislation as it was fully dealt with by me at the time of the introduction of the original Bill. As the House is already aware, the Bill is intended to rectify the constitutional defects in the Act that came to notice in the judgments of the Madras High Court and the Supreme Court of India in the Shirur Math and the Chidambaram temple cases.

" The Joint Select Committee made a detailed scrutiny of the several clauses of the Bill but did not consider it necessary to introduce any drastic changes therein. I shall briefly mention the more important of the changes actually introduced by the Committee—

' (1) *Clause 5 of the Bill*.—Sub-section (1) of section 30 of the Act declares the right of the trustee of a religious institution to incur expenditure out of the funds in his charge for securing the health, safety and convenience of disciples and pilgrims, for the training of archakas, etc. Sub-section (2) of section 30, however, requires that, in incurring the expenditure, the trustee shall be guided by the general or special instructions which the Commissioner or the Area Committee may give. The Supreme Court held that the provision in sub-section (2) constituted an unreasonable restriction on the right of the trustee. Clause 5 of the original Bill, therefore, sought to delete sub-section (2). The Committee, however, thought that a total omission of the sub-section was not called for and decided that it was sufficient to substitute for the words " the trustee shall be guided by" occurring in the sub-section, the words " the trustee shall have due regard to ".

[a] Printed as Appendix IX on pages 86–101 infra.